

Application No.: 09/854199

Docket No.: KLQ-002

REMARKS

Claims 1-28 are pending of which claims 1, 12, 13 and 21 are independent. No claims have been amended, added or deleted.

Objected to Declaration

Applicant's have submitted a replacement Declaration herewith on which the inventor has initialed the crossed out address information noted by the Examiner.

Claim Rejections Pursuant to 35 U.S.C. §102

Claim 1-28 were rejected as being anticipated by Spencer (United States Patent Number 6, 356, 909, hereafter "Spencer"). For the reasons set forth below, these rejections are respectfully traversed.

Summary of Claimed Invention

The claimed invention matches an inquirer having an inquiry with a suitable consultant that is capable of responding to the inquiry for a predetermined resource or amount. The claimed invention may operate over a communication network, such as the Internet. The resource can be exchanged between the consultant and the inquirer over the network, or through some other known medium, such as mail, telephone, wireless networks, and other such exchange medium. The inquirer may specify a particular profile of the consultant that the inquirer desires to respond to the inquiry or, conversely, the consultant can specify the profile of the type of inquirer to whose inquiry the consultant intends to respond. An identity verification facility that enables the system provider to verify the profile of the consultant or the inquirer may also be utilized.

Summary of Spencer

Spencer discusses a web-based system for managing request for proposals (RFPs) and the corresponding responses to the RFP. Spencer discusses the use of a web-site interface which

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allows a user to request specific information for goods and service from specified vendors. Spencer also discusses a mechanism for automating the process of responding to the RFPs as well as a mechanism for automating the subsequent review, analysis and presentation of the responses. The system in Spencer attempts to provide an efficient system that enables a user to evaluate RFPs and their responses while also shortening the time required by vendors to generate the requested proposals.

Argument

Applicant's claimed invention is directed towards solving the problem of obtaining a response for a particular inquiry submitted by an inquirer from a highly sought after individual or other entity with limited time availability. The highly sought after individual or other entity (referred to as a consultant in the detailed description and claims) is compensated for taking the time to respond to the inquiry with a pre-determined resource (see Background and Summary of Applicant's application). The pre-determined resource that compensates the consultant may be established by the inquirer, the consultant or a third party provider on a network. Each of Applicant's independent claims includes a limitation requiring the exchange of the resource to the consultant based on the consultant responding to inquiry. As will be explained further below, Applicant respectfully suggests that this limitation of the exchange of the pre-determined resource is completely lacking from the cited reference Spencer.

Applicant's independent claim 1 includes the step of:

"exchanging the resource between the consultant and the inquirer for responding to the inquiry" [emphasis added]

Applicant's independent claim 12 includes the step of:

"exchanging a resource between the consultant and the inquirer for responding to the inquiry" [emphasis added]

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Applicant's independent claim 13 includes the limitation of:

"an exchange facility for exchanging a resource between the consultant and the inquirer for responding to the inquiry" [emphasis added]

Applicant's independent claim 21 includes the step of:

"providing for an exchange of the resource between the consultant and the inquirer for responding to the inquiry." [emphasis added]

This required exchange of a pre-determined resource based on the consultant answering the response is wholly absent from Spencer. Spencer discusses an RFP system. RFP systems are frequently used by businesses in order to determine which vendors can satisfy their purchasing needs. In addition to simple matters such as how many units of an item at a particular price a vendor can ship, the RFPs also frequently require detailed answers to questions regarding company policy, history, insurance coverage, etc. The process of creating and responding to the RFPs can be quite time-intensive, and Spencer describes an automated web-based system that aims to reduce the time for creating the RFP, responding to the RFP (for the vendor) and analyzing the responses. Spencer does not discuss compensating a vendor for generating a response to the RFP. While it is true that in the event that an RFP response is acceptable to the entity that created the RFP, a subsequent transaction may take place in which goods are exchanged for an agreed price set forth in the RFP, that is not the same as compensating a consultant with a pre-determined resource for taking the time to answer as required by Applicant's claims.

The Examiner cited the abstract in its entirety as disclosing all of the elements of Applicant's independent claim 1 including the requirement that a resource be exchanged for responding to the inquiry. A close reading of the abstract reveals that the abstract does not disclose the exchange of a resource for responding to the inquiry as required by Applicant's claim 1. The remainder of Spencer is likewise silent regarding the exchange of an established resource for responding to the inquiry. Accordingly, since all of the elements of Applicant's independent claim 1 are not disclosed by Spencer as required to sustain a 35 U.S.C. §102

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rejection, Applicant requests the allowance of independent claim 1 and claims 2-11 which are dependent thereon.

The Examiner cited the abstract in its entirety and Figure 1 as disclosing all of the elements of Applicant's independent claim 12 including the requirement that a resource be exchanged for responding to the inquiry. As discussed above, the abstract does not disclose the required limitation. Figure 1 is simply a block diagram of an Internet environment and also does not disclose the required limitation. Accordingly, Applicant requests the allowance of claim 12.

The Examiner cited the abstract in its entirety as well as Figure 1 and Figure 2 as disclosing all of the elements of Applicant's independent claim 13 including the requirement of an exchange facility for exchanging a resource for responding to the inquiry. As noted above, the abstract and Figure 1 fail to disclose the required limitation. Figure 2 is a flowchart discussing the Spencer system and discusses the creation of the RFP, subsequent responses to the RFP, the analysis of the responses and the generation of a report in the final step (206). It does not disclose the exchange of a resource (or the use of an exchange facility). Accordingly, since all of the elements of Applicant's independent claim 13 are not disclosed by Spencer as required to sustain a 35 U.S.C. §102 rejection, Applicant requests the allowance of independent claim 13 and claims 14-20 which are dependent thereon.

The Examiner cited the abstract in its entirety as well as Figure 1 and Figure 2 as disclosing all of the elements of Applicant's independent claim 21 including the requirement of providing an exchange of the resource for responding to the inquiry. As previously discussed, this limitation is not disclosed either in the cited sections or elsewhere in Spencer. Accordingly, since all of the elements of Applicant's independent claim 21 are not disclosed by Spencer as required to sustain a 35 U.S.C. §102 rejection, Applicant requests the allowance of independent claim 21 and claims 22-28 which are dependent thereon.

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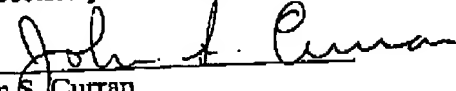
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CONCLUSION

In view of the above, Applicant believes the pending application is in condition for allowance.

Dated: February 28, 2006

Respectfully submitted,

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